



STAFF REPORT

MAPC: December 28, 2023
DAB VI: December 11, 2023

<u>CASE NUMBER:</u>	CON2023-00061 (City)
<u>APPLICANT:</u>	Wichita Children's Home
<u>REQUEST:</u>	Conditional Use for Group Residence, General
<u>CURRENT ZONING:</u>	B Multi-Family Residential District
<u>SITE SIZE:</u>	0.40 acres
<u>LOCATION:</u>	Generally located on the east side of North Emporia Avenue, within 100 feet north of East 10 th Street North (1110 North Emporia Avenue)
<u>PROPOSED USE:</u>	Group Residence, General
<u>RECOMMENDATION:</u>	Approval



BACKGROUND: The applicant is requesting a Conditional Use for Group Residence, General on property zoned B Multi-Family Residential District located on the east side of North Emporia Avenue, within 100 feet north of East 10th Street North (1110 East Emporia Avenue). According to the applicant’s website, the Wichita Children’s Home currently utilizes the property as a “low-barrier drop-in center for runaway, homeless, and at-risk youth who are 21 or younger.” The request for a Conditional Use for Group Residence, General would allow the facility to house up to 24 persons including staff.

The Unified Zoning Code defines Group Residence as “a residential facility providing cooking, sleeping, and sanitary accommodations for a group of people, not defined as a family, on weekly or longer basis.” It defines Group Residence, General as “a Group Residence that is occupied by more than 15 persons, including staff members who reside in the facility.” Group Residence, General is permitted within the B Multi-Family Residential District by Conditional Use approval.

The site plan submitted by the applicant shows thirteen parking spaces. The off-street parking requirement for Group Residence, General is one per bedroom. The applicant does have a shared-parking agreement with the owner of the parking lot to the east, across the alley. This shared parking agreement will satisfy the parking requirements set forth in the UZC.

The property to the north is zone TF-3 Two-Family Residential District and is developed with Emporia Park. The property to the west is zoned B Multi-Family Residential District and is developed with a parking lot. The property to the south is zoned B Multi-Family Residential District and is developed with a single-family dwelling. The property to the east is zoned B Multi-Family Residential District and is developed with a parking lot. Despite the lack of adequate parking, it is Planning staff’s opinion that the requested Conditional Use for this particular location will not have detrimental impacts on the surrounding properties.

CASE HISTORY: On February 2, 1886, the site was platted as part of the Burleigh’s Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Emporia Park
SOUTH:	B	Single-Family Residence
EAST:	B	Parking Lot
WEST:	B	Parking Lot

PUBLIC SERVICES: The site has access to North Emporia Avenue a paved local two-lane street with on-street parking, and sidewalks on both sides. Municipal water, sewer and stormwater services currently serve the site. Wichita Transit provides regular bus service within one-tenth of a mile west of the subject site, at the corner of North Broadway Avenue and East 10th Avenue North.

CONFORMANCE TO PLANS/POLICIES: The Conditional Use request is in partial conformance with the following plans:

Community Investments Plan: The Conditional Use request is in partial conformance with the *Community Investments Plan*. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, namely the 2035 Wichita Future Growth Concept Map, identifies the site as “Commercial.” The *Plan* defines “Commercial” as, “*areas that reflect the full diversity of commercial development intensities and types typically found in a large urban municipality. Convenience retail, restaurants, small offices, and personal service uses are located in close proximity to, and potentially mixed with, Residential Uses. Major destination areas (centers and corridors) containing concentrations of commercial and office uses that have regional market areas and generate high volumes of traffic are located in close proximity to major arterials or highways and typically are buffered from lower density residential areas by higher density housing types.*” Despite the *Plan* designating the area as “Commercial,” the zoning of B Multi-Family Residential is conducive to the Multi-Family use.

CON2023-00061

The requested Conditional Use is in partial conformance with the Land Use Compatibility Locational Guidelines. The General Guidelines state, “Higher-intensity development should be discouraged from locating areas of existing lower- intensity development, particularly established low-density residential areas.” The applicant is requesting up to 24 persons in an 11,747 square feet building. The building on the subject site is large enough to handle 24 beds. The neighborhood has a mixed-use character. In addition to single-family residences, there are also large-scale office buildings in the vicinity. Ascension Via Christi St. Francis Hospital is less than one-quarter of mile to the south of the subject site.

Wichita: Places for People Plan: The requested Conditional Use is in partial conformance with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Group Residence, Limited partially aligns with Strategy 5: *Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA*. The proposed Group Residence, General would permit additional residents to be served by the facility at this location. Staff believes that the scale of the request is not in out of character with the neighborhood.
- Current Condition: The subject property is located within an area identified as an “area of opportunity.” The *Places for People Plan* defines Areas of Opportunity as “areas that generally exhibit economic challenges, a disconnected development pattern, and a lack of walkable places and facilities. These areas are in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially.” The site is currently used as a “low-barrier drop-in center for runaway, homeless, and at-risk youth who are 21 or younger,” and retains the character of the surrounding mixed-use neighborhood. Staff believes the proposed Group Residence, General would be appropriate for the proposed Conditional Use location.

Midtown Plan: The requested Conditional Use is in conformance with the goals of the *Midtown Plan*. The *Midtown Plan* includes strategies that include “a land use concept that generally reflect current and desirable land uses.” The *Plan* determined that the area “...north of St. Francis Hospital should incorporate mixed-use opportunities to act as a buffer between intense non-residential use and quiet residential neighborhood area.” Although the requested Conditional Use is a residential use, it is more intense by the number of beds proposed. This higher-intensity use is in-line with the *Midtown Plan* for this area.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be **APPROVED** subject to the following conditions.

- 1) No signs shall be allowed except those permitted under the City Sign Code Section 24.04.190.
- 2) The site shall be developed and operated in compliance with all federal, state, and local rules and regulations.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the conditional use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the conditional use is null and void.

The staff’s recommendation is based on the following findings:

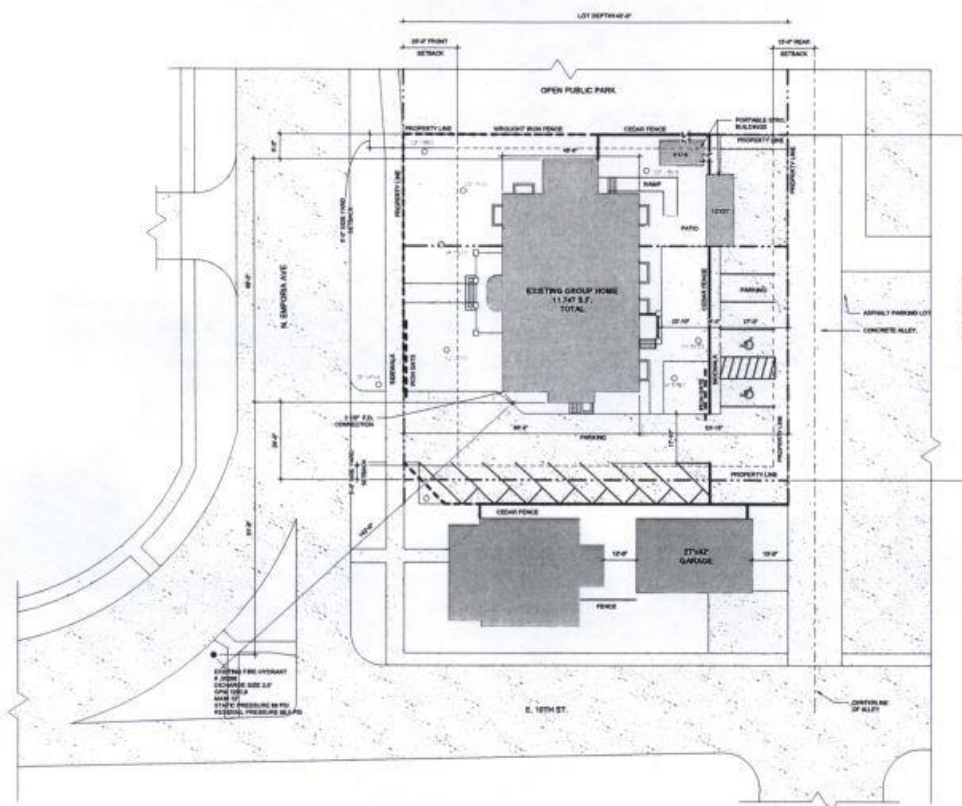
1. **The zoning, uses and character of the neighborhood:** The character of the neighborhood is mixed-use. The property to the north is zone TF-3 Two-Family Residential and is developed with Emporia Park. The property to the west is zoned B Multi-Family Residential District and is developed with a parking lot. The property to

the south is zoned B Multi-Family Residential District and is developed with a single-family dwelling. The property to the east is zoned B Multi-Family Residential District and is developed with a parking lot. Despite the lack of adequate parking, it is Planning staff's opinion that the requested Conditional Use for this particular location will not have detrimental impacts on the surrounding properties.

2. **The suitability of the subject property for the uses to which it has been restricted:** The subject property is currently zoned B Multi-Family Residential District and is suitable for the full scope of residential and some public and civic uses.
3. **Extent to which removal of the restrictions will detrimentally affect nearby property:** Group Residence, General is permitted as a Conditional Use within the B Multi-Family Residential district. If the Conditional Use is approved, it is anticipated that the site will see higher volumes of automobile and pedestrian traffic.
4. **Length of time the property has been vacant as currently zoned:** The subject property is not vacant. The applicant is currently using the site as a drop-in center for at-risk youth 21 years old or younger.
5. **Conformance of the requested change to the adopted or recognized Comprehensive Plan:** The requested Conditional Use is in partial conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *Midtown Plan* as discussed in the staff report.
6. **Relative gain to the public health, safety, and welfare compared to the loss in value or the hardship imposed upon the applicant:** Approval of this request could provide the opportunity for the applicant to provide care for at-risk youth, which is a gain to the public welfare. However, any gain must be considered in light of the possible negative impacts to the public welfare, including the effects on neighboring properties. Approval of the request could have detrimental impacts on the surrounding residents, such as increased traffic. Denial could be regarded as a loss of economic opportunity and enjoyment for the applicant.
7. **Impact of the proposed development on community facilities:** Staff does not anticipate significant, negative impacts to community facilities.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has received a phone call from a nearby neighbor who opposed the Conditional Use request based off concerns of increased illicit activity taking place in the vicinity should it be approved.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos
6. Public Comment



A SITE PLAN FOR CONDITIONAL USE FOR GROUP RESIDENCE GENERAL

schaefer.
architecture

Schaefer Architecture
257 N. Broadway
Wichita, KS, 67202
316.884.0171

PROCESSING DRAWINGS
NOT FOR CONSTRUCTION

PROJECT INFORMATION

TYPE OF CONSTRUCTION	EXISTING CONSTRUCTION, BUILT 1925
LOCATION	11514 EMPORIA ST., SEPTA
COUNTRY	WICHITA CHILDREN'S HOME
STATE	KANSAS
CITY	WICHITA
ARCHITECT	SAFF ARCHITECTURE, INC.
DESIGNER/ENGINEER	PAUL D. TRAVIS, ENGINEER, EXIST.
WATER SUPPLY	CITY OF WICHITA
SEWERAGE TREATMENT	CITY OF WICHITA
HEATING	NATURAL GAS
ELECTRICAL	OVERHEAD
USE	REHABILITATION, COMMERCIAL LIVING
APPROVING JURISDICTION	STATE ARCHITECT, STATE FIRE MARSHAL,
LOCAL USE OR REQUIREMENT	WICHITA, METRO AREA PLANNING AND CONSTRUCTION
COMMENTS (SEE REVISIONS)	REHABILITATION, 150,000 S.F. COST, AT

PROJECT CERTIFICATION

ARCHITECT: SCHAEFER ARCHITECTS, INC.
I CERTIFY THAT THE SUBMITTAL IS FOR THE PROJECT REFERENCED ABOVE COMPLY WITH THE
REQUIREMENTS OF THE FOLLOWING:
(0001) STRONG APPLY FOR CONFLICTS BETWEEN CODES
2010 INTERNATIONAL BUILDING CODE
2010 INTERNATIONAL RESIDENTIAL CODE
2010 INTERNATIONAL MECHANICAL CODE
2010 INTERNATIONAL PLUMBING CODE
2011 NATIONAL ELECTRIC CODE (NFPA 70)
2010 ADAAG ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES
2010 ADA STANDARDS
2010 INTERNATIONAL FIRE CODE
1981 CALIFORNIA FIRE PREVENTION CODE
I HAVE READ THE SUBMITTAL AND I AM Satisfied TO RECOMMEND TO THE BOARD A GRANT OCCUPANCY

BUILDING

EXISTING GROUP 1/200 HOME		EXTERIOR WALL PROTECTION TABLE 100	
ZONING	R-2/UTILITY V		
PERMITTED USE	1.0 RESIDENTIAL, 2.0 BUSINESS (COMBINED), 3.0	45'	45'
CONSTRUCTION TYPE	1.0 2 STORY 1/2 JOINTED, 2.0 2 STORY	45'	45'
WALL VULNERABILITY	TYPE A 200-1000-SEPARATED USE	45'	45'
		45'	45'
ALLOWABLE AREA PER TALE 100	7,000 SF (7,000)		
ACTUAL BUILD. SF	3,000 SF (3,000 FLOOR)		
	7,000 SF (7,000)		
ALLOWABLE STORIES	2		
ACTUAL STORIES	2		
FIRE RESISTANCE RATING	1.0 2 STORY 1/2 JOINTED, 2.0 2 STORY		
	1.0 2 STORY 1/2 JOINTED, 2.0 2 STORY		
EXTERIOR ELEMENT	RATING GROUP		
STRUCTURAL FRAME	1.0 2 STORY 1/2 JOINTED, 2.0 2 STORY		
BEARING WALLS - EXTERIOR	1.0 2 STORY 1/2 JOINTED, 2.0 2 STORY		
NON-BEARING EXTERIOR WALLS	2.0 2 STORY 1/2 JOINTED, 2.0 2 STORY		
NON-BEARING EXTERIOR WALLS	2.0 2 STORY 1/2 JOINTED, 2.0 2 STORY		
FLOORING	1.0 2 STORY 1/2 JOINTED, 2.0 2 STORY		
ROOF	1.0 2 STORY 1/2 JOINTED, 2.0 2 STORY		

LEGAL DESCRIPTION

APPLICANT

WICHITA CHILDREN'S HOME - CROSSROADS
1112 N. EMPORIA AVE.
WICHITA, KS, 67214
(316) 264-4200

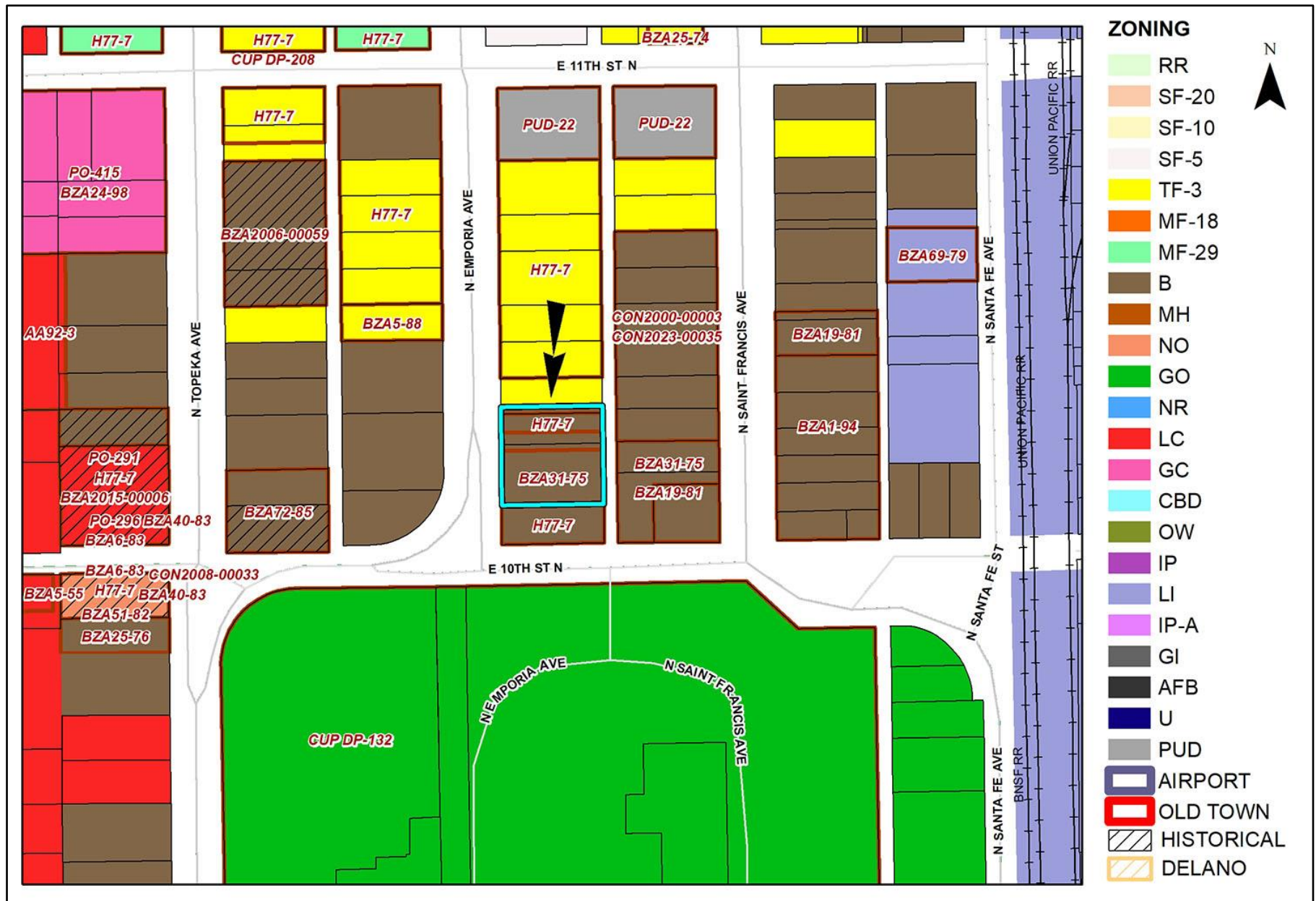
DUDLEY WILLIAMS & ASSOCIATES, P.A.
STRUCTURAL ENGINEERS
MIDWEST ENGINEERING, INC.
MECHANICAL ENGINEERS
ELECTRICAL ENGINEERS

CROSSROADS
WICHITA CHILDREN'S HOME

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
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2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way

Statistical Development Areas

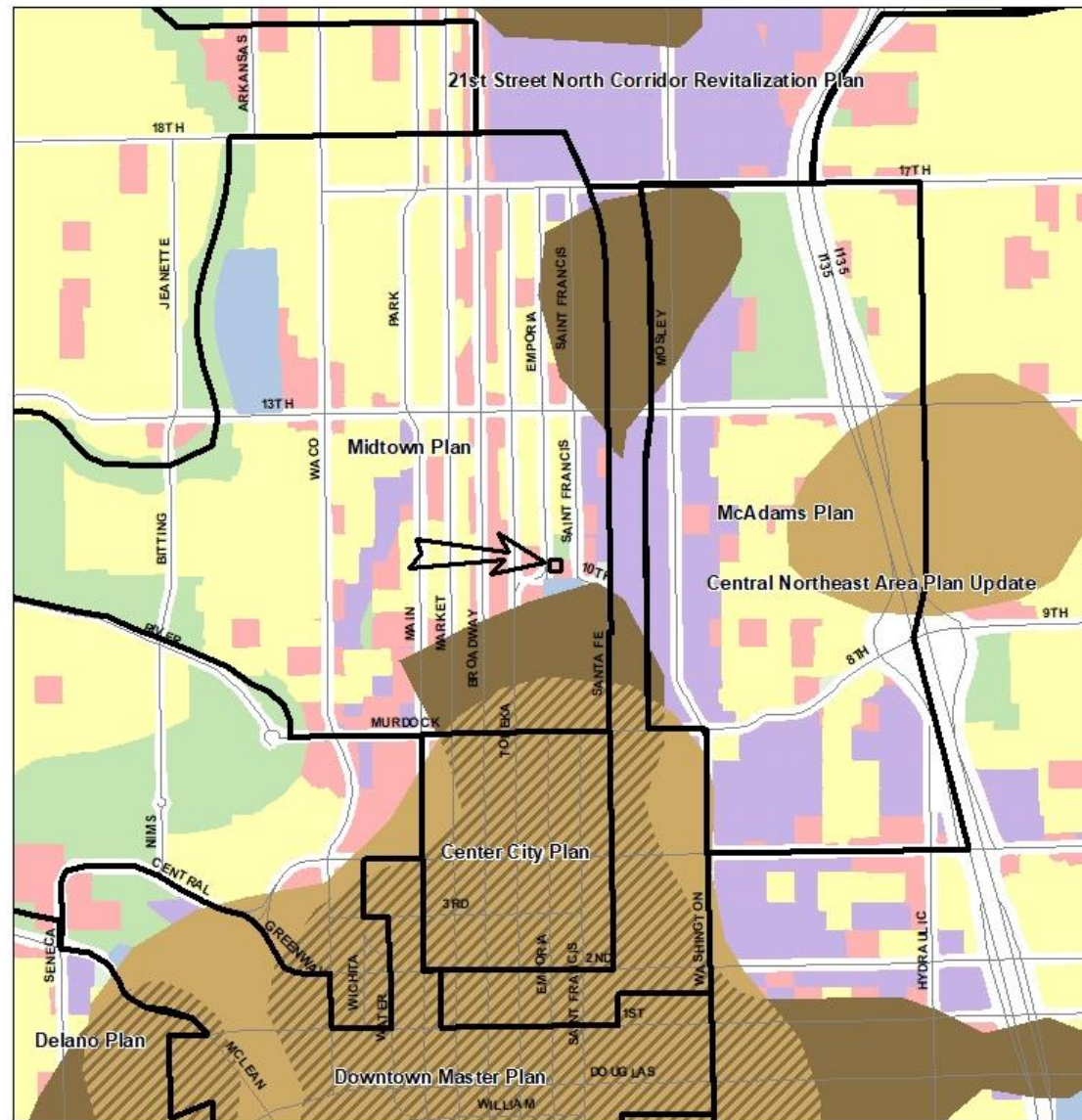
-  Small City Urban Growth Areas
-  Small City Urban Growth Areas
-  Rural Areas

LAND USE

-  Residential
-  Commercial
-  Industrial
-  Major Air Transportation & Military
-  Parks and Open Space
-  Agricultural or Vacant
-  Major Institutional
-  Neighborhood/Area Plans



Wichita Future Growth Concept Map
2035
The map shows the future growth of the city of Wichita, Kansas, in 2035. It includes the city limits, the Northwest Bypass Right-of-Way, and various land use designations. The map is divided into several planning areas, including the Established Central Area, Residential and Employment Mix, New Employment, New Residential, and the Central Northeast Area Plan Update. The map also shows the locations of various parks and open spaces, as well as major transportation corridors. The map is a conceptual representation of future growth and is not intended to be a legal document.



Looking west into site



Looking north away from site



Looking west away from site



Looking south away from site

